

Illinois Environmental Protection Agency
Bureau of Air
Permit Section

May 8, 2014

Response to Comments
Clean Air Act Permit Program (CAAPP) Permit Renewal
Cargill, Inc.
Bloomington, Illinois

Source I.D. No.: 113804AAR
Permit No.: 96030019

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DECISION

On April 21, 2014, the Illinois Environmental Protection Agency (Illinois EPA) issued the renewal Clean Air Act Permit Program (CAAPP) permit to Cargill Inc., for its vegetable oil extraction plant located at 115 South Euclid in Bloomington. The Illinois EPA is issuing this responsiveness summary to address questions and comments raised during the public comment period for the CAAPP renewal.

BACKGROUND

Cargill, Inc. is a soybean processing facility, which includes soybean preparation for extraction, soybean oil extraction with hexane, white flake production, grit production, meal production, and ground hull production.

The CAAPP is Illinois' operating permit program for major sources of emissions pursuant to Title V of the federal Clean Air Act. The CAAPP is administered by the Illinois EPA. CAAPP permits contain conditions identifying applicable air pollution control requirements of the federal Clean Air Act, Illinois' Environmental Protection Act, and state environmental regulations. Compliance procedures, including testing, monitoring, recordkeeping and reporting requirements, are also established as required or necessary to assure compliance and accomplish the purposes of the CAAPP. The conditions of a CAAPP permit are enforceable by the Illinois EPA, USEPA and the public.

OPPORTUNITY FOR PUBLIC COMMENTS

On September 4, 2013, the Illinois EPA began a public comment period for Cargill's draft CAAPP permit renewal in accordance with Section 39.5(8) of the Act and 35 IAC Part 252. The repositories for the comment period documents including the draft CAAPP and statement of basis were established at the Illinois EPA's offices at 2125 South First Street in Champaign and 1021 North Grand Ave., East in Springfield.

The comment period ended on October 4, 2013 and was extended by the Illinois EPA to October 18, 2013, in response to request for additional time to submit comments from a resident living in the vicinity of Cargill's plant.

On September 18, 2013, Agency staff met with the city manager of Bloomington and two of the residents in Bloomington to explain the CAAPP program and answer questions about the draft CAAPP.

Comments were received during the comment period. These comments are summarized with Agency responses below.

AVAILABILITY OF DOCUMENTS

Copies of this responsiveness summary and the issued CAAPP renewal are available at the Illinois EPA's Headquarters at 1021 North Grand Avenue East in Springfield and on the Illinois Permits Database, <http://www.epa.gov/reg5oair/permits/ilonline.html>

Copies of these documents are also available free of charge by contacting Brad Frost, Illinois EPA, Office of Community Relations, 217/782-7027, brad.frost@illinois.gov

COMMENTS AND ILLINOIS EPA RESPONSES

The Illinois EPA received comments on the draft proposed CAAPP permit from several individuals living in the vicinity of Cargill's plant. The Illinois EPA has consolidated similar comments and provides the following response.

Comment 1 – CAAPP permit renewal

The renewal of Cargill's CAAPP permit should be either denied or the renewal CAAPP issued for one year only.

Response:

The Illinois EPA does not have the authority to review this CAAPP permit for only one year. Section 39.5 (Clean Air Act Permit Program) of the Illinois Environmental Protection Act ("Act") establishes and regulates handling of the CAAPP permits for major stationary sources of regulated air pollutants operated in Illinois. Pursuant to Section 39.5(3)(b) of the Act, CAAPP permits shall be issued for fixed terms of 5 years, except for incineration units combusting municipal waste (fixed terms of 12 years). The Illinois EPA does not have any information that has been provided to appropriately deny this CAAPP permit. Pursuant to Section 39.5(10)(b) of the Act, the Illinois EPA shall have authority to deny a CAAPP permit renewal if the applicant (a source) has not complied with the requirements of Section 39.5(10)(a)(i)-(a)(iv) of the Act or the USEPA objects its issuance. As stated in the Statement of Basis at page 7, Cargill has demonstrated that it has met all of the requirements for issuance.

Comment 2 – Illinois EPA inspections of the source

The Illinois EPA inspections should be conducted unannounced by different field inspectors and with the frequencies of at least twice per calendar year.

Response:

The Illinois EPA conducts regular inspections of the CAAPP sources based on an agreed upon Compliance Management System (CMS) that is administered through the Illinois

EPA's Compliance and Field Operations Sections. The Illinois EPA does not have authority to specify a type or frequencies of inspections by the Illinois EPA outside of the CMS. In addition, inspections may result from a complaint to the Illinois EPA. Depending on the nature of an inspection it may be announced or unannounced.

Comment 3 – Cargill's equipment

Comments were made that the equipment at the plant is outdated or aged and that such equipment should be replaced with modern equipment. Also, comment was made that an outside contractor should inspect condition of the old equipment on the weekly basis.

Response:

The Illinois EPA and the permitting programs run by the Illinois EPA do not have authority to impose requirements on what type of industrial/manufacturing equipment to use at a stationary source nor the involvement of outside contractors in the operations of the plant. In addition, the use of the equipment has no relevance to whether a source can or cannot be issued a permit. The age of equipment becomes critical for regulatory purposes as the source itself upgrades or replaces equipment triggering more stringent requirements.

Comment 4 – Noise complaints

Comments were received that there is a high level of noise associated with plant's operations. Commenters suggest that an outside contractor shall monitor of noise level outside of the plant on the weekly basis.

Response:

Section 39.5 of the Act establishes and regulates handling of the CAAPP permits for major stationary sources of regulated air pollutants. Noise is not a regulated air pollutant addressed under Section 39.5 of the Act and is not part of the regulated air pollutants as defined in Section 39.5(1)(12) of the Act.

The Illinois EPA no longer has a noise program and no longer investigates alleged noise pollution. Anyone, including residents or local authorities, can file a formal complaint with the Illinois Pollution Control Board alleging noise violations under the Environmental Protection Act (Act) (415 ILCS 5/1 et seq.) and Board regulations. As with any citizen enforcement action before the Board, the complainant must gather evidence to prove the alleged violations. The Illinois Pollution Control Board website has more information about filing a formal complaint before the Board at <http://www.ipcb.state.il.us/AboutTheBoard/FAQs.asp>

Comment 5 – Odor complaints

Comments were received that odor nuisance is a problem from time to time and is associated with the plant's operations. The commenters suggest that an outside contractor should monitor odor level outside of the plant on the weekly basis. Also, the commenters proposed that a 48-hour advance notice should be given by Cargill to local residents when odor or emission levels planned to be increased.

Response:

Section 39.5 of the Act establishes and regulates handling of the CAAPP permits for major stationary sources of regulated air pollutants. Odor is not regulated under Section 39.5 of the Act and is not part of the "regulated air pollutant" as defined in Section 39.5(1)(12) of the Act. However, Section 9(a) of the Act, states that "*.....no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment...*". Section 3.165 of the Act defines a contaminant as "*...any solid, liquid, or gaseous matter, any odor,...from whatever source...*". In order to prevent and/or reduce the accidents when odors being released from the solvent oil extraction operations, new condition 8.2 was incorporated into the CAAPP requiring inspections of oil extraction operations, along with recordkeeping and reporting if an odor caused an unreasonable interference with enjoyment of life or property beyond the boundaries of the source.

Comment 6 – Hazardous Air Pollutants (HAP)

Commenters would like to see data available not only on the total amount of HAP being released but also on each individual HAP contributing to this total amount.

Response:

Hexane is a commonly used HAP solvent for performing vegetable oil extraction in the industry. Hexane is used by Cargill, as clearly presented in the table of Condition 4.3(a) of the CAAPP permit. Hexane is classified as a HAP under Section 112 of the Clean Air Act. However, neither state nor federal regulations identify the standards or limits specifically applicable to hexane emissions from vegetable oil extraction operations. The standards established in the National Emission Standards for Hazardous Air Pollutants for solvent vegetable oil extraction (40 CFR 63, Subpart GGGG) address HAP emissions as one entity of regulated air pollutants without specificity of what particular individual HAP solvent is used or individual HAP emissions being released. Therefore, the proposed CAAPP permit does not individually address emissions of each HAP associated with oil solvent extraction but uses HAP as a single emissions entity for purposes of meeting definition of a "regulated air pollutant" as established in Section 39.5(1)(12) of the Act. However, Condition 3.5(c) in the permit requires from Cargill to report emissions on an annual basis, as part of the Annual Emission Reports (AER). The state regulations at 35 IAC Part 254 require such HAP emissions be reported, if regulated by a state or federal regulations. Hexane is a regulated pollutant as stated in this comment. Cargill currently

reports its Hexane emissions in the AER. According, in the AER submitted by Cargill to the Illinois EPA for the calendar year 2012, hexane is a single HAP released at the source from non-fuel combustion emission units and equal to 174.61 ton/year. Other traces of HAP emissions (0.36 ton/year) have been reported as emissions from fuel combustion emission units operated at this source (See Statement of Basis page 9).

Comment 7 – Total allowable emissions

Commenters would like to see reduction of emissions from the current level (1,022 tons/year) to zero, considering proximity of the residential area.

Response:

Section 8.1 of the proposed CAAPP identifies allowable emissions (1,020.86 tons/year) for purposes of “Duties to Pay Fees” in Condition 2.3(e) of the permit. These emissions are not actual emissions emitted by the source, but the allowable emissions linked to the source annual air permitting fees Cargill decides to pay under the Act. Actual total source emissions for all regulated air pollutants reported by the source for the year 2012 were 528.19 tons/year. Neither state, federal statutes or regulations require Cargill to halt its operations and demonstrate zero emissions, as discussed in the response to Comment #1 above.

Comment 8 – Installation of additional air pollution control devices

Commenters stated that most of the currently uncontrolled emission units should be vented to control devices.

Response:

Pursuant to Section 39.5(3)(a) of the Act, “...*The Agency shall issue CAAPP permits under this Section consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder.*” Neither Clean Air Act, state, federal statutes or regulations require Cargill to install additional control(s) on the currently uncontrolled emission units or operations. In addition, Title V of the Clean Air Act specifically prohibits a state Agency from mandating such controls and bars the Agency from creating any new substantive requirements. Title I of the Clean Air Act is the mechanism through which such new requirements would be created when necessary to demonstrate compliance.

Comment 9 – Emissions from mobile sources

Commenters stated that vehicle/train emissions should be incorporated into CAAPP.

Response:

Pursuant to Section 39.5(12) of the Act, “source” is defined as a “stationary source” and meets the following definition: “...*any building, structure, facility, or installation that emits or may emit any regulated air pollutant...*”. Vehicles and trains are mobile sources of air emissions not stationary sources, therefore, are not regulated by the CAAPP permit under Section 39.5 of the Act.

Comment 10 – Maintenance and repair of roads

Commenters stated that fines and requirements for maintenance of the public roads used by Cargill and located outside of the source boundaries should be implemented.

Response:

The actions suggested by this comment are outside the scope of the Illinois EPA’s authority. Typically, road maintenance is the authority of the state Department of Transportation (for state and federal routes/highways) and the local county or municipality for local roadways.

Comment 11 – Zoning

Commenters proposed re-zoning Cargill’s property to residential use.

Response:

The actions suggested by this comment are outside the scope of the Illinois EPA’s authority. This is the jurisdiction of the local municipality.

Comment 12 – Emergency plan for potentially disastrous situations

Commenters proposed addressing disaster preparedness, i.e. the possibility of explosion, fire, etc., in the CAAPP permit.

Response:

The CAAPP permit regulates air emissions from a major stationary source. As such, the CAAPP permit includes an Episode Action Plan and requires implementation of this plan for reducing the levels of emissions during yellow or red alerts and emergencies, consistent with safe operating procedures (see Condition 3.2(d) of the proposed CAAPP).

Other disaster preparedness requirements are regulated by other parts of federal, state or local law, not the CAAPP law, Section 39.5 of the Act.

Comment 13 – Records

Commenters proposed that all relevant records (emissions, construction permits, inspections, level of and odor) should be made available to the public through placement on the Internet.

Response:

Documents listed in the comment, Annual Emission Reports, permits, inspection reports and complaints, are public information and may be obtained from the Illinois EPA through a Freedom of Information Act (FOIA) request. Information about submitting a FOIA request including an online request form may be found on the Illinois EPA website at <http://www.epa.state.il.us/foia/>.

The CAAPP permit may also be found on the Illinois Permits Database, <http://www.epa.gov/reg5oair/permits/ilonline.html> Information about other permits for the facility may be found at the Illinois EPA's Environmental Permits Portal, <http://www.epa.state.il.us/permits/index.html>